



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2006 REGULAR SESSION

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SENATE BILL NO. 78

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THURSDAY, FEBRUARY 23, 2006

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The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE March 28, 2006  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Hollar

AN ACT relating to physician assistants.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1       Section 1. KRS 311.840 is amended to read as follows:

2       As used in KRS 311.840 to 311.862:

3       (1) "Board" means the Kentucky Board of Medical Licensure;

4       (2) "Complaint" means a formal administrative pleading that sets forth charges against  
5       a physician assistant and commences a formal disciplinary proceeding;

6       (3) "Physician assistant" means a person licensed under KRS 311.840 to 311.862 who:

7       (a) Has graduated from a physician assistant or surgeon assistant program  
8       accredited by the Accreditation Review Commission on Education for  
9       Physician Assistants or its predecessor or successor agencies and has passed  
10       the certifying examination administered by the National Commission on  
11       Certification of Physician Assistants or its predecessor or successor agencies;  
12       or

13       (b) Possesses a current physician assistant certificate issued by the board prior to  
14       July 15, 2002;

15       (4) "Supervising physician" means a physician licensed by the board who supervises  
16       one (1) or more physician assistants;

17       (5) "Supervising physician in anesthesia" means a physician licensed by the board who  
18       has completed postgraduate training in anesthesiology at an anesthesiology program  
19       accredited by the Accreditation Council for Graduate Medical Education or its  
20       equivalent; and

21       (6) "Supervision" means overseeing the activities of and accepting of responsibility for  
22       the medical services rendered by a physician assistant. Each team of physicians and  
23       physician assistants shall ensure that the delegation of medical tasks is appropriate  
24       to the physician assistant's level of training and experience, that the identifications  
25       of and access to the supervising physician are clearly defined, and that a process for

1 evaluation of the physician assistant's performance is established.

2 Section 2. KRS 311.842 is amended to read as follows:

3 (1) The board shall promulgate administrative regulations in accordance with KRS  
4 Chapter 13A relating to the licensing~~[certification]~~ and regulation, including  
5 temporary licensing~~[certification]~~, of physician assistants.

6 (2) The board shall establish a nine (9) member Physician Assistant Advisory  
7 Committee that shall review and make recommendations to the board regarding all  
8 matters relating to physician assistants that come before the board, including but not  
9 limited to:

10 (a) Applications for physician assistant licensing~~[certification]~~;

11 (b) Licensing~~[Certification]~~ renewal requirements;

12 (c) Approval of supervising physicians;

13 (d) Disciplinary actions; and

14 (e) Promulgation and revision of administrative regulations.

15 (3) Members of the Physician Assistant Advisory Committee shall be appointed by the  
16 board for four (4) year terms and shall consist of:

17 (a) Five (5) practicing physician assistants;

18 (b) Two (2) supervising physicians;

19 (c) One (1) member of the board; and

20 (d) One (1) citizen at large.

21 (4) The chairperson of the committee shall be elected by a majority vote of the  
22 committee members and shall be responsible for presiding over meetings that shall  
23 be held on a regular basis.

24 (5) Members shall receive reimbursement for expenditures relating to attendance at  
25 committee meetings consistent with state policies for reimbursement of travel  
26 expenses for state employees.

27 (6) Nothing in this chapter shall be construed to require certification of a physician

1 assistant student enrolled in a physician assistant or surgeon assistant program  
 2 accredited by the Accreditation Review Commission on Education for Physician  
 3 Assistants or its successor agencies or of a physician assistant employed in the  
 4 service of the federal government while performing duties relating to that  
 5 employment.

6 Section 3. KRS 311.844 is amended to read as follows:

7 (1) To be licensed~~[certified]~~ by the board as a physician assistant, an applicant shall:

8 (a) Submit a completed application form with the required fee;

9 (b) Be of good character and reputation;

10 (c) Be a graduate of an approved program; and

11 (d) Have passed an examination approved by the board within three (3) attempts.

12 (2) A physician assistant who is authorized to practice in another state and who is in  
 13 good standing may apply for licensure~~[certification]~~ by endorsement from the state  
 14 of his or her credentialing if that state has standards substantially equivalent to those  
 15 of this Commonwealth.

16 (3) A physician assistant's license~~[certification]~~ shall be renewed upon fulfillment of  
 17 the following requirements:

18 (a) The holder shall be of good character and reputation;

19 (b) The holder shall provide evidence of completion during the previous two (2)  
 20 years of a minimum of one hundred (100) hours of continuing education  
 21 approved by the American Medical Association, the American Osteopathic  
 22 Association, the American Academy of Family Physicians, the American  
 23 Academy of Physician Assistants, or by another entity approved by the board;

24 (c) The holder shall provide evidence of completion of a continuing education  
 25 course on the human immunodeficiency virus and acquired immunodeficiency  
 26 syndrome in the previous ten (10) years that meets the requirements of KRS  
 27 214.610; and

(d) The holder shall provide proof of current certification with the National Commission on Certification of Physician Assistants.

Section 4. KRS 311.845 is amended to read as follows:

- (1) Whenever, in the opinion of the executive director, based upon verified information contained in the application, an applicant for a license~~[certificate]~~ to practice as a physician assistant is eligible therefor under subsections (1) and (2) of KRS 311.844, the executive director may issue to the applicant, on behalf of the board, a temporary license~~[certificate]~~ which shall entitle the holder to practice as a physician assistant for a maximum of six (6) months from the date of issuance unless the temporary license~~[certificate]~~ is canceled by the executive director, who may cancel it at any time, without a hearing, for reasons deemed sufficient with appropriate consultation with the president, and who shall cancel it immediately upon direction by the board or upon the board's denial of the holder's application for a regular license~~[certificate]~~. The temporary license~~[certificate]~~ shall not be renewable.
- (2) The executive director shall present to the board the application for licensure~~[certification]~~ made by the holder of the temporary license~~[certificate]~~. If the board issues a regular license~~[certificate]~~ to the holder of a temporary license~~[certificate]~~, the fee paid in connection with the temporary license~~[certificate]~~ shall be applied to the regular license~~[certificate]~~ fee.
- (3) If the executive director cancels a temporary license~~[certificate]~~, he or she shall promptly notify, by United States certified mail, the holder of the temporary license~~[certificate]~~ at the last known address on file with the board. The temporary license~~[certificate]~~ shall be terminated and of no further force or effect three (3) days after the date the notice was sent by certified mail.

Section 5. KRS 311.846 is amended to read as follows:

- (1) The examination of the National Commission on Certification of Physician

1 Assistants for licensure~~[certification]~~ as a physician assistant shall be approved by  
2 the board .

3 (2) Educational and training programs approved by the board shall include physician  
4 assistant programs that are accredited by the Accreditation Review Commission on  
5 Education for Physician Assistants or its predecessor or successor agencies.

6 (3) Training programs for the provision of general or regional anesthesia shall be  
7 accredited by the Committee on Allied Health Education and Accreditation or the  
8 Commission on Accreditation of Allied Health Education Programs.

9 (4) A trainee enrolled in an approved program shall be supervised and the training  
10 program shall be responsible for the services provided by the trainee. A trainee shall  
11 have the same scope of practice as a physician assistant and shall not be considered  
12 to be practicing without authorization while enrolled in a training program.

13 Section 6. KRS 311.848 is amended to read as follows:

14 (1) As used in this section, "medical emergency" means a real and substantial threat to  
15 public health or the health of an individual as determined by the executive director  
16 of the board that requires additional professional resources.

17 (2) In a medical emergency, the board may approve an additional physician assistant for  
18 a supervising physician practicing in this Commonwealth for a period not to exceed  
19 thirty (30) days who:

20 (a) Submits satisfactorily completed forms to the board; and

21 (b) Is licensed~~[credentialed]~~ and in good standing in this Commonwealth.

22 (3) In a medical emergency, the board may issue an emergency permit to a physician  
23 assistant who:

24 (a) Is credentialed and in good standing in another state or Canadian province;

25 (b) Submits satisfactorily completed forms to the board; and

26 (c) Based on verifiable information, meets the requirements for licensure~~[regular~~  
27 ~~certification]~~ under KRS 311.844.

1 (4) An emergency permit:

2 (a) Shall be valid for a period of time not to exceed thirty (30) days;

3 (b) Shall not be renewed or reissued and shall be immediately canceled if a  
4 medical emergency no longer exists;

5 (c) May be canceled by the executive director upon reasonable cause without a  
6 prior hearing; and

7 (d) Shall not authorize a physician assistant to practice beyond a specified  
8 geographical area, beyond the scope of practice encompassed by the medical  
9 emergency, or without the supervision of a supervising physician.

10 Section 7. KRS 311.850 is amended to read as follows:

11 (1) The board may revoke, suspend, deny, decline to renew, limit, or restrict the  
12 license~~[certification]~~ of a physician assistant, or may fine, reprimand or place a  
13 physician assistant on probation for no more than five (5) years upon proof that a  
14 physician assistant has:

15 (a) Knowingly made or presented or caused to be made or presented any false,  
16 fraudulent, or forged statement, writing, certificate, diploma, or other  
17 document relating to an application for licensure~~[certification]~~;

18 (b) Practiced, aided, or abetted in the practice of fraud, forgery, deception,  
19 collusion, or conspiracy relating to an examination for  
20 licensure~~[certification]~~;

21 (c) Been convicted by any court of a misdemeanor offense involving moral  
22 turpitude or been convicted of an act that is or would be a felony under the  
23 laws of the Commonwealth of Kentucky or of the United States;

24 (d) Become addicted to or is an abuser of alcohol, drugs, or any illegal substance;

25 (e) Developed a physical or mental disability or other condition that presents a  
26 danger in continuing to practice medicine to patients, the public, or other  
27 health care personnel;

- 1 (f) Knowingly made or caused to be made or aided or abetted in the making of a
- 2 false statement in any document executed in connection with the practice of
- 3 medicine or osteopathy;
- 4 (g) Performed any act or service as a physician assistant without a designated
- 5 supervising physician;
- 6 (h) Exceeded the scope of medical services described by the supervising
- 7 physician in the applications required under KRS 311.854;
- 8 (i) Exceeded the scope of practice for which the physician assistant was
- 9 credentialed by the governing board of a hospital or licensed health care
- 10 facility under KRS 311.856 and 311.858;
- 11 (j) Aided, assisted, or abetted the unlawful practice of medicine or osteopathy or
- 12 any healing art, including the unlawful practice of physician assistants;
- 13 (k) Willfully violated a confidential communication;
- 14 (l) Performed the services of a physician assistant in an unprofessional,
- 15 incompetent, or grossly or chronically negligent manner;
- 16 (m) Been removed, suspended, expelled, or placed on probation by any health care
- 17 facility or professional society for unprofessional conduct, incompetence,
- 18 negligence, or violation of any provision of this section or KRS 311.858 or
- 19 311.862;
- 20 (n) Violated any applicable provision of administrative regulations relating to
- 21 physician assistant practice;
- 22 (o) Violated any term of probation or other discipline imposed by the board; or
- 23 (p) Failed to complete the required number of hours of approved continuing
- 24 education.
- 25 (2) All disciplinary proceedings against a physician assistant shall be conducted in
- 26 accordance with the provisions of KRS 311.591, 311.592, 311.593, 311.599, and
- 27 KRS Chapter 13B and related administrative regulations promulgated under KRS



1 Chapter 311.

2 Section 8. KRS 311.852 is amended to read as follows:

- 3 (1) At any time when an inquiry panel established under KRS 311.591 has probable  
4 cause to believe that a physician assistant has violated the terms of an agreed order  
5 as defined in KRS 311.550(19), or violated the terms of a disciplinary order, or that  
6 a physician assistant's practice constitutes a danger to the health, welfare, or safety  
7 of his or her patients or the general public, the inquiry panel may issue an  
8 emergency order in accordance with KRS 13B.125 suspending, limiting, or  
9 restricting the physician assistant's license~~[certification]~~.
- 10 (2) For the purposes of a hearing conducted under KRS 13B.125 on an emergency  
11 order issued under this section, the findings of fact in the emergency order shall  
12 constitute a rebuttable presumption of substantial evidence of a violation of law that  
13 constitutes immediate danger to the health, welfare, or safety of patients or the  
14 general public. For the purposes of this hearing only, hearsay shall be admissible  
15 and may serve as a basis of the board's findings.
- 16 (3) An emergency order as described in subsection (1) of this section shall not be issued  
17 unless grounds exist for the issuance of a complaint. The inquiry panel shall issue a  
18 complaint prior to the date of the emergency hearing or the emergency order shall  
19 become void.
- 20 (4) An order of temporary suspension, restriction, or limitation shall not be maintained  
21 after a final order as defined in KRS 311.550(20) is served on the charged physician  
22 assistant pursuant to the proceeding on the complaint. An appeal of an emergency  
23 order shall not prejudice the board from proceeding with the complaint.

24 Section 9. KRS 311.856 is amended to read as follows:

25 A supervising physician shall:

- 26 (1) Restrict the services of a physician assistant to services within the physician  
27 assistant's scope of practice and to the provisions of KRS 311.840 to 311.862;

- 1 (2) Prohibit a physician assistant from prescribing or dispensing controlled substances;
- 2 (3) Inform all patients in contact with a physician assistant of the status of the physician  
3 assistant;
- 4 (4) Post a notice stating that a physician assistant practices medicine or osteopathy in  
5 all locations where the physician assistant may practice;
- 6 (5) Require a physician assistant to wear identification that clearly states that he or she  
7 is a physician assistant;
- 8 (6) Prohibit a physician assistant from independently billing any patient or other payor  
9 for services rendered by the physician assistant;
- 10 (7) If necessary, participate with the governing body of any hospital or other licensed  
11 health care facility in a credentialing process established by the facility;
- 12 (8) Not require a physician assistant to perform services or other acts that the physician  
13 assistant feels incapable of carrying out safely and properly;
- 14 (9) Maintain adequate, active, and continuous supervision of a physician assistant's  
15 activities to assure that the physician assistant is performing as directed and  
16 complying with the requirements of KRS 311.840 to 311.862 and all related  
17 administrative regulations;
- 18 (10) Sign all records of service rendered by a physician assistant in a timely manner as  
19 certification that the physician assistant performed the services as delegated;
- 20 (11) (a) Reevaluate the reliability, accountability, and professional knowledge of a  
21 physician assistant two (2) years after the physician assistant's original  
22 licensure~~[certification]~~ in this Commonwealth and every two (2) years  
23 thereafter; and
- 24 (b) Based on the reevaluation, recommend approval or disapproval of licensure  
25 or renewal~~[certification or recertification]~~ to the board; and
- 26 (12) Notify the board within three (3) business days if the supervising physician:  
27 (a) Ceases to supervise or employ the physician assistant; or

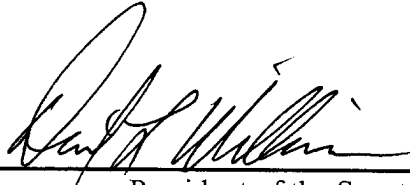
- 1 (b) Believes in good faith that a physician assistant violated any disciplinary rule  
2 of KRS 311.840 to 311.862 or related administrative regulations.

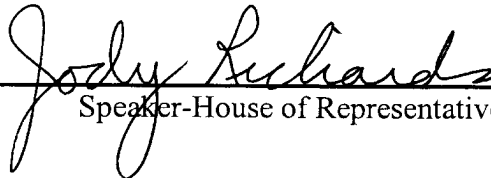
3 Section 10. KRS 311.862 is amended to read as follows:

- 4 (1) A physician assistant who was practicing as an anesthesiology assistant in Kentucky  
5 prior to July 15, 2002, may continue to practice if the physician assistant:
- 6 (a) Met the practice, education, training, and licensure~~[certification]~~ requirements  
7 specified in KRS 311.844 and 311.846;
  - 8 (b) Is a graduate of an approved program accredited by the Committee on Allied  
9 Health Education and Accreditation or the Commission on Accreditation of  
10 Allied Health Education Programs that is specifically designed to train an  
11 individual to administer general or regional anesthesia; and
  - 12 (c) Is employed by a supervising physician in anesthesia.
- 13 (2) A physician assistant who has not practiced as an anesthesiology assistant in  
14 Kentucky prior to the July 15, 2002, shall meet the following requirements prior to  
15 practicing as an anesthesiology assistant:
- 16 (a) Graduation from an approved four (4) year physician assistant program as  
17 specified in subsection (1)(b) of this section and graduation from another two  
18 (2) year approved and accredited program that consists of academic and  
19 clinical training in anesthesiology;
  - 20 (b) Compliance with the practice, education, training, and licensure~~[certification]~~  
21 requirements specified in KRS 311.844 and 311.846; and
  - 22 (c) Employment with a supervising physician in anesthesia.
- 23 (3) A physician assistant practicing as an anesthesiology assistant shall not administer  
24 or monitor general or regional anesthesia unless the supervising physician in  
25 anesthesia:
- 26 (a) Is physically present in the room during induction and emergence;
  - 27 (b) Is not concurrently performing any other anesthesiology procedure; and

1           (c) Is available to provide immediate physical presence in the room.

2           Section 11. A physician assistant who is certified in Kentucky and in good  
3 standing on the effective date of this Act shall automatically be licensed under Sections 1  
4 to 10 of this Act and shall be issued a physician assistant license upon annual renewal.

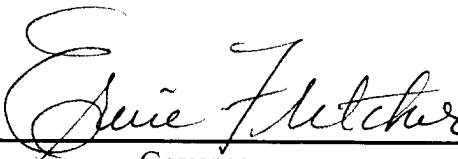
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker-House of Representatives


Attest:

  
\_\_\_\_\_  
Chief Clerk of Senate

Approved

  
\_\_\_\_\_  
Governor

Date

  
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